

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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SO. DIST. OF GA.

CLARA ROBINSON-SIMS,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner, Social Security
Administration,

Defendant.

CASE NO. CV417-144

O R D E R

Before the Court is Plaintiff's Motion for Attorney Fees. (Doc. 18.) In the motion, Plaintiff's Counsel, Charles L. Martin, requests attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"), for his representation of Plaintiff's case. (Doc. 18.) The Government has not opposed Plaintiff's requested awarded. The Court has carefully considered the application for attorney's fees and costs and finds that Plaintiff meets the requirements set forth in Jean v. Nelson, 863 F.2d 759, 765 (11th Cir. 1988) (holding that to recover attorney's fees "(1) the litigant opposing the United States must be a prevailing party; (2) the government's position must not have been substantially justified; and (3) there must be no circumstances that make an award against the government unjust"). Accordingly, Plaintiff is **AWARDED** the requested \$6,964.53 in attorney's fees. Upon the entry of this order, the Commissioner

will determine whether Plaintiff owes a debt to the government that qualifies under the Treasury Offset Program, 31 U.S.C. §§ 3711, 3716. If Plaintiff owes such a debt, the fee award will be applied towards the settlement of that debt and the Treasury Department should issue a check for the remaining funds made payable to Plaintiff and mail the check to Plaintiff's counsel. If Plaintiff does not owe such a debt, the government will accept the assignment of EAJA fees and pay such fees directly to Plaintiff's attorney.¹

SO ORDERED this 27th day of March 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ In the event, that Plaintiff is later awarded attorney's fees under the Social Security Act, 42 U.S.C. § 406 ("SSA"), Plaintiff's counsel must "refun[d] to the claimant the amount of the smaller fee" award between the awarded attorney's fees under the SSA and EAJA. Gisbrecht v. Barnhart, 535 U.S. 789, 798, 122 S. Ct. 1817, 1822 (2002) (internal citation omitted).